

From: [Ohl, Matthew](#)
To: [Prendiville, Timothy](#); [Mcseveney, Megan](#); [Jablonowski, Eugene](#); [Pope, Janet](#); [Thurlow, Timothy](#)
Subject: FW: Pines Area of Investigation - Draft Feasibility Study Files
Date: Thursday, March 07, 2013 6:44:51 AM
Attachments: [George Adey.pdf](#)

Good morning:

At the meeting last night, George Adey provided the attached e-mail message. His original message is held by our e-mail system in a junk e-mail folder because it contains active content or links.

Thank you.

Matt

From: Ohl, Matthew
Sent: Thursday, February 14, 2013 1:49 PM
To: George Adey
Cc: Cathi Murray; Jablonowski, Eugene; Pope, Janet; Vicki Kuzio; Thurlow, Timothy; townofpines@comcast.net
Subject: Re: Pines Area of Investigation - Draft Feasibility Study Files

George:

Thank you for your response regarding the Feasibility Study (FS). You raise an important concern about how the community and its Town Council may be involved in the process. Such involvement is valued by the U.S. Environmental Protection Agency. As part of a settlement agreement EPA required a Technical Assistance Plan (TAP) between the potentially responsible parties and People in Need of Environmental Safety (PINES). Under the agreement PINES is funded and empowered to hire an independent technical advisor to review documents, including the FS, and involve the community. The intent of the TAP is that PINES will work with the community, including the Town Council, to ensure they understand the process (including documents like the FS) and inform EPA of any concerns they may have. Your message raises concern for EPA that this is not happening as effectively as it should. Rather than having the Town Council pay for another independent consultant to review documents, you may want to consider whether the PINES technical review could address your concerns. Please let me know whether you think PINES is actively involving the Town Council and the community, or if they are engaging you but you are looking for something more. If PINES is not engaging the Council I can contact PINES to make sure your concerns are addressed. If you would like you can contact them directly through PINES President Paul Kysel at Exemption 6

Independent of the TAP, EPA will be reaching out to the Council and community throughout the cleanup decision process. EPA is committed to solicit and consider public comments on a proposed cleanup plan before any final decision is made. So there will be opportunities outside of the TAP to provide input to the Agency on the decisions. If you would like to discuss this further please let me know.

Thank you.

Matthew J. Ohl
Remedial Project Manager

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From: George Adey <Exemption 6>
To: Matthew Ohl/R5/USEPA/US@EPA, Cathi Murray <Exemption 6>, Vicki Kuzio
<Exemption 6>, "townofpines@comcast.net" <townofpines@comcast.net>
Cc: Timothy Thurlow/R5/USEPA/US@EPA, EUGENE JABLONOWSKI/R5/USEPA/US@EPA, Janet
Pope/R5/USEPA/US@EPA
Date: 02/13/2013 06:05 PM
Subject: Re: Pines Area of Investigation - Draft Feasibility Study Files

Good Evening Matt,

Thank you for your attention on getting us access to the the Draft Feasibility Study. It's a very lengthy document. I understand this is a draft document. Therefore, I also understand your confidentiality concerns. However, I do have several questions.

How are we to interpret this document with out some independant expert opinion? With your okay, I would like to pursue this.

Will the Town be allowed any input in this document before it is finalized?

The Town has a vested intrest in the outcome of this process. Why aren't we part of it? The residents of our Town are the "most affected" and Town Government should be part of this process. At our last town meeting we discussed an issue with you that was directly due to no communication, or consultation, with our town.

I await your response as I know time is short.
Thank you in advance for your time.

Best Regards,
George Adey
Town Council President
Town of Pines

Take good care of Mother Earth.
We only borrow her from our Grandchildren.

From: "Ohl.Matthew@epamail.epa.gov" <Ohl.Matthew@epamail.epa.gov>
To: Cathi Murray <Exemption 6>; George Adey <Exemption 6>; Vicki Kuzio

<Exemption 6 townofpines@comcast.net

Cc: Thurlow.Timothy@epamail.epa.gov; Jablonowski.Eugene@epamail.epa.gov; Pope.Janet@epamail.epa.gov

Sent: Wednesday, February 13, 2013 12:39 PM

Subject: Pines Area of Investigation - Draft Feasibility Study Files

Good afternoon:

Thank you for the opportunity to meet with you at the Town Council meeting on February 6, 2013. As you requested, the draft Feasibility Study report is being made available to you by the potentially responsible parties. The FS report is draft and will be under review until after our next meeting. Because the document is draft and will likely change after our review we would appreciate your cooperation in limiting its distribution to council members. I look forward to our next meeting on March 6, 2013.

Thank you.

Matthew J. Ohl
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To: Matt Ohl <Ohi.Matthew@epamail.epa.gov>;

Cc: perciasepe.bob@epa.gov <perciasepe.bob@epa.gov>; hedman.susan@epa.gov <hedman.susan@epa.gov>; walts.alan@epa.gov <walts.alan@epa.gov>; hyde.tinka@epa.gov <hyde.tinka@epa.gov>; nadams@porterco.org <nadams@porterco.org>; jevans@porterco.org <jevans@porterco.org>; lblaney@porterco.org <lblaney@porterco.org>;

Subject: Town of Pines Town Council participation in Superfund Process

Sent: Fri, Mar 1, 2013 10:50:10 PM

Greetings Matt,

Please forgive the time it took to respond as I had to consult with the rest of the Town Council.

I have to start out by saying that we found your email to have a condescending tone. This tone only reinforces our experience and belief that the Town's interests are not at all important to the EPA or the PRPs. A question that continues to remain unanswered is: By whose authority was the Town Council left out of the Superfund process? We are the duly elected officials, chosen by our residents to represent them. We cannot and will not relinquish this authority to the EPA, the PINES group, or the PRPs.

As the point man for the EPA you need to understand that the credibility of not only the process, but your Agency, does not instill confidence. The visit you made to our Town meeting demonstrated how little the interests of the Town are considered. The EPA signed off on repair work done to one of our culverts with no consultation with our Town. You are aware of the issues we are having with your Agency's "looking out" for the interests of our Town. We were told after the fact that we may have to explore our legal options. Is this the policy for this process? Are we supposed to allow the EPA to make decisions that directly affect the Town with no Town Council input or review? Are we supposed to sit by blindfolded and gagged with our only recourse being legal action after the fact? We think not. We will also be contacting the Porter County Commissioners to express our dissatisfaction with EPA's handling of the process. We feel they have been similarly disregarded by USEPA from serving as an interested party to represent the interests of both the County as well as the residents that live outside of the Town limits but within the affected area.

At the beginning of this process we were all told it would take 3 or 4 years to complete. Ten years later here we only have more concerns for our resident's health and well being. We feel our Town is being steamrolled into submission. What you said of the PINES group was totally unfair. You have used that group to carefully control and disseminate information then hold them up when convenient to say "Look at this Citizens advocacy group we have working for you". The EPA and the PRPs have fought them over funding and keeping information confidential. We find it reprehensible for you to suggest that the PINES Group is not doing a good job. We feel the responsibility for this failure to communicate rests only with the EPA.

How are we, as a Town, to know AECOM's science is good? How are we, as a Town, to know that the PINES Group's Technical Advisor's science is good? Without an independent advisor

looking out for the Town's interest how can we have any faith in this process at all. Other "Interested Parties" have been involved from day one. Why not our Town? How many residents does the NPS have living in the affected area? How many residents does IDEM have living in the affected area. Now, how many residents of the Town of Pines and Porter County live in the affected area? Yet both Town and County Government are completely out of the loop. We were told we had a conflict of interest. Well who could possibly have a bigger conflict of interest in the solution to this issue than the PRPs? And yet they are responsible for both gathering what data they feel inclined to collect in the process as well as interpreting what conclusions can be drawn from that data. What a surprise that they have asserted from the very beginning of this process that the flyash they placed in our Town represents neither a public or environment risk.

Our town has many issues that the PINES group has no authority to oversee. The Town's infrastructure is our own responsibility and we will not cede it to the PINES Group, the PRPs, or the EPA. Our Town has been stigmatized by the "Superfund" Label. We are trying to modernize our Town with storm drains and a sewer system. In preliminary talks with Michigan City Sanitary Department, justifiable concerns were raised over just what is in our ground water that could leach into their sewer system. How does the PINES Group deal with this issue? Also because of the stigma, our falling property values have reduced our tax base, a concern in which the Town Council must have a say. Clearly tax base erosion is outside the PINES Group focus!

I must share a short story with you. The house next door to me is a rental that sat empty for 4 months. The owner told me he had not a single call about his ad to rent it. I suggested he change his ad to state that this house had city water. He then rented it within 3 weeks. How is the PINES Group to answer to our residents and property owners for this?

Our Town would like to capitalize on our proximity to the National Park. We would like to take advantage of the demand for Eco-Tourism. With a stigma like we have, how do we move forward with keeping the Town's best interests at the forefront? We feel these are not issues the PINES Group can or should address.

The PINES Group has done a commendable job with very little resources. While trying to represent the affected population as a whole, too often they are kept silent until documents are finalized, then it's too late for input. Although we have nothing but respect for the tireless efforts put forth by the PINES Group we will not give up our right to properly represent the residents we have been elected to serve.

We have reviewed two pertinent documents in preparation for responding to your point that the PINES Group is responsible for representing the interests of the Town Council. First, in our review of the TAP agreement between the PRP's and the PINES Group, we find no indication that the PINES Group has agreed to, or is required to represent the interests / concerns / needs of the Town Council. Second, we refer to the EPA generated document entitled "Community Involvement Plan Town of Pines Ground Water Plume Site (final draft prepared Dec 2004 by Tetra Tech EM Inc). Page 13 of this document states:

"Maintain Communication with Local Officials and Community Residents: EPA will maintain communication with the Town of Pines Officials and residents throughout site cleanup activities.

EPA will keep local officials informed of the planned and ongoing site activities as well as significant findings. During the interviews, some individuals expressed the need to have site information sent to them on a more timely basis. EPA will continuously update it's mailing list which includes a list of local officials, organizations, businesses, and current residents, to ensure that the appropriate individuals are kept informed of site related information."

In our opinion, the EPA has utterly failed to live up to the responsibilities it has outlined above. Note that the this document clearly states that it is EPA's responsibility to keep Town officials and residents informed of site clean up activities, not the PINES Group. To our knowledge the EPA has also failed to send any additional information to residents as promised-as clearly highlighted by our need to formally request a copy of the latest document (Feasibility Study) generated during the Superfund process. The fact that this formal request had to be made, appears to be in direct conflict with the EPA's direct responsibilities as outlined above. This raises an important question. How many other documents have been generated that the Town Council has had no input/ no review / or even knowledge they exist?

The Town Council is Officially requesting equal status to that granted by USEPA to both IDEM and the NPS, which would permit the Town Council to participate fully in this process. We hope we can achieve this with out having to follow your Attorney's advice and explore our legal options. We await your response as our Town's well being is at issue. Thank you for your time again.

Sincerely,
George Adey
Town Council President
Town of Pines